

WEH 204

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

INTERNATIONAL APPLICATION NO. PCT/DE 99/02715	INTERNATIONAL FILING DATE 27 AUG. 1999	PRIORITY DATE CLAIMED 28 AUGUST 1998
TITLE OF INVENTION REACTION CHAMBERS COATED WITH NUCLEIC ACIDS, METHODS FOR THE PRODUCTION AND USE THEREOF		
APPLICANT(S) FOR DO/EO/US THOMAS KOEHLER		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A **FIRST** preliminary amendment.
14. A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. A substitute specification.
16. A change of power of attorney and/or address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information:
 <x> FORM PTO-1449
 <x> COPY OF INT. SEARCH REPORT

U.S. APPLICATION NO. (if known) 09/78607	INTERNATIONAL APPLICATION NO. PCT/DE 99/02715	ATTORNEY'S DOCKET NUMBER WEH 204		
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5) :		CALCULATIONS PTO USE ONLY		
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1000.00				
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00				
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00				
International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00				
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00				
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$ 860.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	16 - 20 =		X \$18.00	\$
Independent claims	- 3 =		X \$80.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$
TOTAL OF ABOVE CALCULATIONS =		\$ 860.00		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		\$ 430.00		
SUBTOTAL =		\$ 430.00		
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$		
TOTAL NATIONAL FEE =		\$		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$		
TOTAL FEES ENCLOSED =		\$ 430.00		
		Amount to be refunded:	\$	
		charged:	\$	
a. <input checked="" type="checkbox"/> A check in the amount of <u>\$ 430.00</u> to cover the above fees is enclosed.				
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.				
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>11-0224</u> . A duplicate copy of this sheet is enclosed.				
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.				
SEND ALL CORRESPONDENCE TO:				
<p>3285-65101-10000 C. L. KASPER, INC. ATTORNEY AT LAW 10 Forest Drive West Chester, PA 19382</p>		<p>ATTORNEY AT LAW ATTORNEY AT LAW 10 Forest Drive West Chester, PA 19382-5832</p>		
SIGNATURE: 				
Horst M. Kasper				
NAME: 28,559				
REGISTRATION NUMBER				



02-28-01

JC09 Rec'd PCT/PTO 26 FEB 2001

09/786072

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas Koehler

Serial No:

Art Unit:

Filing Date:

Title: REACTION CHAMBERS COATED WITH DEFINED CONCENTRATIONS OF NUCLEIC ACIDS, METHOD FOR THE PRODUCTION AND USE THEREOF

Examiner:

Priority application: Country:

Germany

Priority application number:

19840531.6

Priority date:

28 August 1998

PCT Application no:

PCT/DE99/02715

PCT Application filing date:

27 August 1999

February 27, 2001

Attorney's Docket No.: WEH204

TRANSMITTAL LETTER

Hon. Commissioner of Patents and Trademarks
BOX PCT
Washington, D.C. 20231

SIR:

Transmitted herewith for filing is:

- Form PTO-1390
- Copy of the PCT Application, No. PCT/DE99/02715, (24 pages of the specification, claims and abstract + 4 drawing sheets) + PCT cover page as published, No. WO 00/12756
- English Translation of PCT Application, No. PCT/DE99/02715, (26 pages of the specification, claims and abstract + 4 drawing sheets)
- Copy of the International Preliminary Examination Report (Form PCT/IPEA/416 - 1 page, Form PCT/IPEA/409 - 8 pages) + 3 pages of Annexes
- English Translation of Annexes to IPER (5 pages)
- Preliminary Amendment dated Feb. 27, 2001 (14 pages)

Basic fee: \$860.00

TOTAL CLAIMS: 16 - 20 = x \$18.00 = \$
INDEPENDENT CLAIMS: 1 - 3 = x \$40.00 = \$

- Applicant claims small entity status. The fees indicated above, are reduced by 1/2
- Request to Accept Patent Application for Entering U.S. National

09/786072

Rec'd PCT/PTO 26 FEB 2001

Phase under 35 USC § 371

Claim of Priority

Form PTO-1449

Copy of the International Search Report

Enclosed is a check to cover the fee in the amount of \$430.00.

The applicant hereby petitions the Commissioner of Patents and Trademarks to extend the time for response to any Office Action outstanding in the above captioned matter as necessary to avoid abandonment of the application. Please charge my deposit account No.11-0224 in the amount required to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to the above account.

The Commissioner is hereby authorized to charge any fees under 35 U.S.C. 1.16, and 1.17, after a mailing of a Notice of Allowance under 35 USC 1.18 or any additional fees which may be required during the entire pendency of the application, or credit any overpayment, to Acct. No.11-0224. A duplicate copy of this sheet is enclosed. If and only if account funds should be insufficient, immediately contact our associate, Lisa Zumwalt, at (703)415-0579, who will pay immediately to avoid deprivation of rights.

Please charge my Deposit Account No.11-0224 in the amount of \$ _____. A duplicate copy of this sheet is enclosed.

A signature or signatures required for the above recited document(s) is (are) provided herebelow. Such signature(s) also provide(s) ratification for any required signature appearing to be defective in the above recited document(s).


Robert J. Ferb, 13 Forest Drive, Warren, N.J. 07059
Reg. No. 29,536 Tel.(908)757-2839

EXPRESS MAIL CERTIFICATION: I hereby certify that the correspondence attached hereto is being deposited with the USPS "Express Mail Post Office to Addressee" on the date indicated below and is addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231,

Deposit Date: 02/27/2001 "Express Mail mailing No": TB417242507VS

Signature: Radosław M. Krajewski Date: 02/27/2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas Koehler
Serial No: Art Unit:
Filing Date:
Title: REACTION CHAMBERS COATED WITH DEFINED
CONCEBTRATIONS OF NUCLEIC ACIDS, METHOD FOR THE
PRODUCTION AND USE THEREOF

Examiner:

Priority application: Country: Germany
Priority application number: 19840531.6
Priority date: 28 August 1998

PCT Application no: PCT/DE99/02715
PCT Application filing date: 27 August 1999

February 27, 2001

Attorney's Docket No.: WEH204

REQUEST TO ACCEPT PATENT APPLICATION FOR ENTERING UNITED
STATES NATIONAL PHASE UNDER 35 USC §371

Hon. Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

SIR:

A patent application related to the above identified application was filed on August 27, 1999 under the PCT Treaty under the docket number PCT/DE99/02715.

An English translation of the originally filed PCT application PCT/DE99/02715 is enclosed with this filing.

Furthermore, an English translation of the Annexes to the International Preliminary Examination Report dated December 5, 2000 is also enclosed with this filing.

It is respectfully requested that the present application be treated as an application filed under the Section 35 U.S.C. §371 for transferring a PCT application PCT/DE99/02715, naming the United States, into the national phase and that the present application be granted any and all benefits and in particular those benefits relating to a priority recognition of prior filings under jurisdiction of treaty members and available under the Patent Cooperation Treaty (Washington Treaty), the Paris Convention Treaty, and under the United States Code based on the filing under the Patent Cooperation Treaty of PCT application PCT/DE99/02715.

If there should be any problems in granting the benefits available under the Patent Cooperation Treaty and/or 35 USC §371 based on such items as incompleteness of application, excessive time delays or defective application papers, then it is alternatively respectfully requested that prior to the expiration through abandonment of a filing under 35 USC §371 and under charging the required fees from deposit account, the present application be treated as an application and/or continuation application filed at a time required under any one of the sections 35 U.S.C. §111, 35 U.S.C. §363, and/or 35 U.S.C. §365(c) as applicable and that the present application be treated as a continuation or

continuation-in-part application of the PCT application
PCT/DE99/02715.

Recognition of PCT national phase status or,
respectively, continuation or continuation-in-part status
under the PCT Treaty and/or of the claimed priority date of
28 August 1998 is respectfully requested for the patent
application documents in the above captioned matter.

Respectfully submitted,

Thomas Koehler

By: 

Robert J. Ferb, his attorney,
13 Forest Drive, Warren, N.J. 07059
Tel.:(908)757-2839 Fax:(908)668-5262
Reg.No. 29536; Docket No.: WEH204

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Inventor(s) : Thomas Koehler

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Invention: Reaction chambers coated with
nucleic acids, methods for the
15 production and use thereof

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25 Horst M. Kasper, his attorney
13 Forest Drive, Warren, N.J. 07059
tel: (908) 757-2839; (908) 668-5262
Reg. No. 28559, Docket No.: WEH204

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35 TRANSLATION OF ANNEXES TO THE INTERNATIONAL
PRELIMINARY EXAMINATION REPORT
dated December 5, 2000

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Application No.: PCT/DE99/02715
Filing date: August 27, 1999